

North Carolina
Department of Environment and Natural Resources

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary
Dexter R. Matthews, Director



April 17, 2002

Mr. Bill Surridge
Barnhill Contracting Company, Inc.
P.O. Box 35376
Fayetteville, North Carolina 28303-5376

Subject: Permit to Construct: Barnhill/McArtan Mine Land Clearing and Inert Debris
Landfill located in Bunnlevel, Harnett County, North Carolina.
Permit #43-E.

Dear Mr. Surridge:

Enclosed please find a Solid Waste Permit, Conditions of the Solid Waste Permit, and a Certified Copy of the Solid Waste Permit for the above referenced Land Clearing & Inert Debris(LCID)landfill. This is a PERMIT TO CONSTRUCT, issued in accordance with Section .0201(b) and consistent with Section .0203 and .0563(6)(c) of the Solid Waste Management Rules 15A NCAC 13B. Phase I is approved for construction as shown on sheet C1 "LCID Landfill Map" and "Cross Sections A and C". Based on the plans submitted, no excavation is proposed within the landfill footprint limits. The issuance of this permit does not exempt an applicant from any local ordinances that may regulate a facility and the responsibility of compliance with any applicable ordinance lies with the permit holder.

Please note Condition No. 3, which states that this permit shall not be effective unless the certified copy is filed in the Register of Deeds office and the copy is returned to the Solid Waste Section, within thirty (30) working days, from date received, with the page and book number, date of recordation, and Register's seal.

Also note Condition No. 9, which requires that a pre-operative meeting be held and that outlines the pre-operative conditions that need to be met prior to operation of Phase I.

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Phone: 919-733-0692 \ FAX: 919-733-4810 \ Internet: www.enr.state.nc.us/

Mr. Surridge
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Please contact Mr. Robert Hearn, Waste Management Specialist, when you are ready to schedule this meeting. Mr. Hearn can be reached in our Raleigh Regional Office at (919) 571-4700. If you have questions about your permit, please contact me at (910) 486-1541 Ext: 225 or (919) 733-0692 Ext: 344.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Barber".

Jim Barber
Eastern Area Engineer
Solid Waste Section

cc: Jim Coffey
Mark Fry
Robert Hearn
✓ Raleigh Central File: Permit # 43-E: McArtan mine/LCID LF; Harnett County

PERMIT NUMBER: 43-E
ORIGINAL DATE ISSUED(PTC): 04/17/02

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
1646 MAIL SERVICE CENTER; RALEIGH, N.C. 27699-1646

SOLID WASTE PERMIT

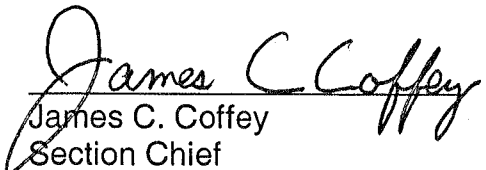
BARNHILL CONTRACTING COMPANY, INC.

is hereby issued a PERMIT TO CONSTRUCT

PHASE I of a

LAND CLEARING AND INERT DEBRIS (LCID) LANDFILL

on property located south of Josey Williams Road (N.C.S.R. 2027), in Bunnlevel, Harnett County, North Carolina in accordance with Article 9, Chapter 130A of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this permit. The facility is located and described by the legal description in the permit application and the site drawings.


James C. Coffey
Section Chief
Solid Waste Section
Division of Waste Management

PERMIT NUMBER: 43-E
ORIGINAL DATE ISSUED(PTC): 04/17/02
FACILITY NAME: BARNHILL CONTRACTING COMPANY, INC.
LAND CLEARING & INERT DEBRIS LF(phase 1)
BUNNLEVEL, HARNETT COUNTY, N.C..

CONDITIONS OF PERMIT

1. This PERMIT TO CONSTRUCT is issued for the construction of the proposed LAND CLEARING AND INERT DEBRIS LANDFILL (PHASE 1) in accordance with the approved plan sheet C1 dated 15 February 2002 (received as part of the permit submittal document dated 19 March 2002). This permit is for the construction of PHASE I, as shown on sheet C1 , along with any infrastructure that is required by the rules; i.e. gate, sign, access road, and incidental grading of the PHASE I to allow for surface water management .
2. All earth disturbing activities will be conducted in accordance with all federal, state, and local requirements and consistent with the NPDES permits issued from the Division of Water Quality.
3. All sedimentation and erosion control activities shall be conducted in accordance with the Sedimentation Control Act 15A NCAC 4 and consistent with the approved mining permit (26-16) issued by the Division of Land Resources - Land Quality Section.
4. **This permit shall not be effective unless the certified copy is filed in the Register of Deeds office and indexed in the grantor index under the name of the owner of the land in the county or counties in which the land is located.** The certified copy of the permit, affixed with the Register's seal and the date, book, and page number of recording shall be returned to the Division of Solid Waste Management, within **THIRTY (30)** working days, from date received. Please send the recorded permit copy to:

SOLID WASTE SECTION
225 GREEN STREET; SUITE 601
FAYETTEVILLE, NORTH CAROLINA 28301
ATTN: JIM BARBER
5. When this property is sold, leased, conveyed, or transferred, the deed or other instrument of transfer shall contain in the deed description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a land clearing and inert debris landfill.

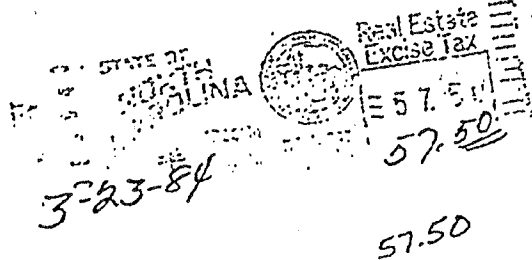
PERMIT NUMBER: 43-E
ORIGINAL DATE ISSUED(PTC): 04/17/02
FACILITY NAME: BARNHILL CONTRACTING COMPANY, INC.
LAND CLEARING & INERT DEBRIS LF(phase 1)
BUNNLEVEL, HARNETT COUNTY, N.C..

6. Waste shall be placed a minimum of four (4) feet above the seasonal high water table. Excavation at the site is not planned in accordance with the permit submittal document. Incidental grading can be performed to managed surface water at the site within PHASE I. If grading or borrowing of soils outside of the proposed landfill footprint is necessary, then a as-built drawing can be produced and submitted with the Permit to Operate application.
7. This permit is not transferable.
8. The following requirements shall be met prior to the issuance of the **PERMIT TO OPERATE** and receiving solid waste at the site:
 - a. A site inspection and pre-operative meeting shall be conducted by a representative of the Solid Waste Section.
 - b. A sign shall be posted at the entrance as required by the NC Solid Waste Management Rules Operational Requirements, 15A NCAC 13B .0566 (16).
 - c. Survey stakes/posts shall be installed to delineate the limits of PHASE I.
 - d. Certification letter by a register engineer or the project engineer that the required site work was done in accordance with the approved plans and that the separation of four feet to seasonal high groundwater, as shown on the approved plans is consistent with Solid Waste Section Rules.
 - e. Site access controls shall be installed and operational.
 - f. Installation of two methane gas wells along the northern property boundary as addressed in the response letter dated 19 March 2002. Locations of the wells shall be placed on a as-built drawing for the site and submitted along with the boring logs and well construction records. The wells shall be installed to a depth equal to the maximum depth of waste placement at the site. The wells shall be placed at the 100' buffer limit/highway right-of-way line.



7620758

FILED
BOOK 762 PAGE 758-761
MAR 23 11 19 AM '84
CLYDE L. ROSS
REGISTER OF DEEDS
HARNETT COUNTY, N.C.



Excise Tax

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.
Verified by County on the day of 19.....
by

Mail after recording to Robert H. Jones, Attorney at Law
P. O. Box 966, Lillington, N. C. 27546
This instrument was prepared by Robert H. Jones, MORGAN, BRYAN, JONES & JOHNSON, Attorneys at Law
Brief description for the Index P. O. Box 966, Lillington, North Carolina 27546

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 20th day of March, 1984, by and between

GRANTOR

GRANTEE

ALVIN R. McARTAN and wife, CHARLOTTE C.
McARTAN

CUMBERLAND PAVING COMPANY, a
Delaware Corporation
P. O. Box 35376
Fayetteville, North Carolina 28303

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Stewart's Creek Township, Harnett County, North Carolina and more particularly described as follows:

TRACT 5:

That certain tract or parcel of land containing 40.93 acres, lying in Stewart's Creek Township, Harnett County, North Carolina, and bounded as follows: On the North by State Road 2027, on the West by the lands of Ida W. Kilpatrick, on the South by the Lower Little River (Harnett-Cumberland County line), and on the East by the lands of Williams, and more particularly described as follows:

BEGINNING at an iron stake on the northern bank of the Lower Little River at the high water mark, a corner with Ida W. Kilpatrick, and runs thence North 36 degrees 54 minutes 30 seconds East 279.85 feet to an iron stake, another corner with Kilpatrick; thence North 1 degree 49 minutes West 925.62 feet to the center line of State Road 2027 (60' R/W) with an iron stake in the southern margin of the right of way; thence, with the center line of said State Road 2027, North 79 degrees 53 minutes East 257.52 feet to the point of

a curve in said road; thence, continuing as the center line of said road, as a curve to the right, said curve having a radius of 1,478.86 feet, a delta 11 degrees 35 minutes, a tangent 150 feet with an arc distance of 298.97 feet; thence, continuing as the center line of said road, South 88 degrees 32 minutes East 124.9 feet to a corner with Tracts 6 and 7; thence, continuing as the center line of said road and South 88 degrees 32 minutes East 682.41 feet to a point in the center line of said road, a new corner with the Southeast corner of Tract 7, being in the original line; thence, as a common line with Williams and the original line, South 4 degrees 00 minutes 47 seconds West 1,347.55 feet to a concrete monument on the northern bank of the Lower Little River at the high water mark, another corner with Williams; thence up the Lower Little River to the point of BEGINNING, a traverse line, as follows: South 73 degrees 41 minutes 20 seconds West 180.05 feet, South 85 degrees 23 minutes 30 seconds West 185.3 feet, North 79 degrees 00 minutes 30 seconds West 348.6 feet, North 82 degrees 40 minutes 30 seconds West 334.45 feet, South 73 degrees 21 minutes West 143.25 feet, North 57 degrees 58 minutes West 275.5 feet, and being Tract 5 according to survey and plat of Artis P. Spence, dated March 4, 1984 (Revision: 3-9-84) entitled "Property of Alvin McArtan" which plat is recorded in Plat Cabinet 2, Slide 145, Harnett County Registry.

This conveyance is made subject to a Carolina Power and Light Company line easement recorded in Book 437, Page 134, Harnett County Registry, extending in an easterly - westerly direction and running approximately parallel to State Road 2027 extending across the northern portion of the above tract.

This conveyance is also subject to the 60 foot right of way with respect to State Road 2027 recorded in Book 462, Page 37, Harnett County Registry.

It is agreed and understood that no crop allotments pass with this conveyance, all such allotments being reserved to the Grantors.

1984 Harnett County ad valorem taxes will be prorated to the date of closing.

ATTACHMENTS

1. Permit submittal document dated 27 September 2001, with original drawing dated 25 September 2001, received 27 September 2001. Included in this document are the following items;
 - a. Zoning consistency letter dated 10 July 2001
 - b. Mining permit 43-14 issued 7 November 1994
 - c. Site plans, construction and operational
 - d. E&S approval letter dated 10 September 2001
 - e. Harnett County road map
 - f. Ground water determination report dated 24 July 2001
 - g. Warranty deed recorded 23 March 1984
 - h. 100 year floodplain map copy
 - i. Corps of Engineers letter dated 7 September 2001
 - j. Letter from Cultural Resources dated 9 August 2001
 - k. Letter from Natural Heritage Program dated 19 July 2001
2. Completeness review letter dated 11 January 2002.
3. Letter dated 14 March 2002 from Barnhill Contracting.
4. Response letter dated 19 March 2002 with revised site drawing dated 15 February 2002.